

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AARON WILLIAMS, et al.,

Plaintiffs,

v.

PILLPACK LLC,

Defendant.

CASE NO. C19-5282RBL

ORDER DENYING MOTION TO
STAY

THIS MATTER is before the Court on PillPack’s Motion to Stay the case pending the United States Supreme Court’s decision in *Facebook Inc. v. Duguid*, No. 19-511, 2020 WL 3865252 (U.S. July 9, 2020) [Dkt. # 40]. Williams’ Motion to Certify the Class [Dkt. # 29] has been filed but is not yet before the Court.

PillPack claims that *Duguid* may alter the viability of some of Plaintiff Williams’ claims. Williams opposes a stay, arguing that his class is based on calls made using an ATDS *or an artificial or prerecorded voice* without his consent.

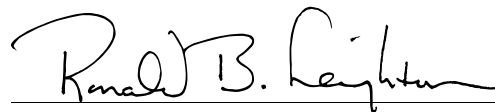
The Court previously stayed a similar TCPA class action, awaiting SCOTUS’s decision in *Barr v. Am. Ass’n of Political Consultants, Inc.*, 140 S. Ct. 812 (2020) (“AAPC”). *See Lacy v. Comcast*, Cause No. 19-cv-5007 RBL, Dkt. # 70.

1 But *AAPC* posed more of a threat to the viability of Lacy and Williams' class actions—it
2 posed an existential threat to the TCPA itself—than does *Duguid*. As Williams argues (and
3 PillPack concedes), at least some of his claims will survive, regardless of the outcome of *Duguid*.
4 This Court recently denied Comcast's similar, second Motion to Stay in *Lacy*. For the same
5 reasons, this Court will not stay this case on the chance the Supreme Court might in the future
6 hobble a portion of Williams' claims.

7 The Court will not stay this TCPA class action pending the Supreme Court's *Facebook*
8 *Inc. v. Duguid* decision. PillPack's Motion to Stay [Dkt. # 40] is **DENIED**.

9 IT IS SO ORDERED.

10 Dated this 13th day of August, 2020.

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13 Ronald B. Leighton
14 United States District Judge
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